

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 04-36 Erie
)
MAURICE FRANCIS FOLEY)

MOTION TO DESTROY FIREARMS

AND NOW comes the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania and Christian A. Trabold, Assistant United States Attorney for said district and respectfully moves this Court, pursuant to the All Writs Act, Title 28, United States Code, Section 1651(a) to enter an order authorizing Troopers of the Pennsylvania State Police, to destroy certain firearms seized from the defendant during the investigation of this case. In support thereof, the government alleges as follows:

1. That on or about August 10, 2004, defendant was indicted for violations of Title 18, United States Code, Sections 922(g)(1), 924(c)(1)(A)(i), 1028(a)(7) & (b)(3)(A) and 1956(a)(1)(B)(i) and Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(C) and 846.

2. That on or about April 29, 2005, defendant entered a plea of guilty to a violation of Title 18, United States Code, Section 924(c)(1)(A)(i) and a violation of Title 21, United States Code, Section 846.

3. That on or about July 28, 2005, defendant was sentenced to three hundred and thirty months in prison.

4. That during the course of the investigation, the following weapons were seized from the defendant:

- (a) New England 20 gauge shotgun, serial number
NE275489
- (b) Remington 700 30-06 with scope, serial number
A6478908
- (c) Mossberg 20 gauge shotgun, serial number
L785835
- (d) Mossberg 12 gauge pump shotgun, serial number
G156124
- (e) Ruger 44 mag revolver with scope, serial number
SN550-68728

5. That, as a result of defendant's felony conviction in the United States District Court for the Western District of Pennsylvania, it is unlawful for the defendant to possess any firearm or ammunition or to receive any firearm or ammunition, Title 18, United States Code, Section 922(g)(1).

WHEREFORE, as a result of defendant's felony conviction, it is respectfully requested that this Court enter an order authorizing Troopers of the Pennsylvania State Police to destroy the above-described weapons.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/Christian A. Trabold
CHRISTIAN A. TRABOLD
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